

Central Administrative Tribunal  
Principal Bench

O.A. No. 473 of 2000

New Delhi, dated this the 24<sup>th</sup> September, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Doordarshan (Bharat) Group 'D'  
Employees Union through  
the President Shri Pali Ram Sharma,  
Working as Gestetner Operator  
Doordarshan Kendra, New Delhi.
2. Shri Hari Ram,  
S/o Shri Pyare Lal,  
Studio Attendant,  
Doordarshan Kendra, New Delhi.
3. Akhil Bharatiya Akashvani Group 'D'  
Karamchari Sangh through  
the President Shri Raghuvir Dutt,  
Working as Peon in the  
Directorate General, AIR.
4. Shri Ved Narain Jha,  
S/o Shri Vishwanath Jha,  
Peon in the Directorate General,  
All India Radio,  
New Delhi. .. Applicants

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India through  
the Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi.
2. The Secretary,  
Ministry of Finance,  
Dept. of Expenditure,  
North Block,  
New Delhi.
3. The Chief Executive Officer,  
Prasar Bharati Corporation,  
Mandi House,  
Copernicus Marg,  
New Delhi-110001. .. Respondents

(By Advocate: Shri N.S. Mehta)

ORDER

S.R. ADIGE, VC (A)

Applicants impugn respondents' order dated

25.2.99 (Ann. A) and dated 10.3.99 (Ann. B) upgrading the pay scale of certain categories of employees working in Prasar Bharati. Consequent to the relief being granted, they seek a direction to respondents to recover the excess amount paid to nearly 17,000 employees on and from 1.3.99 till date, or alternatively to direct respondents of AIR and Doordarshan, numbering nearly 40,000 w.e.f. 1.3.99. They also seek a direction to respondents to stop the victimisation of office bearers and leader of employees Union and Association and Sanyukta Sangh.

2. In so far as the upgradation of pay scales of certain categories of employees working in Prasar Bharati is concerned, if respondents have chosen to do so, this is a matter exclusively within the jurisdiction of the executive authorities and does not warrant judicial interference. A case for judicial interference might arise if on the basis of the principle of "equal pay for equal work", applicants could establish that they were discharging the same or similar work, but were not being extended the same pay scale. In fact an attempt was made to establish this, in the light of the Jammu & Kashmir High Court's order dated 31.5.2001 in SWP No. 817/99 A.S. Beza & Others Vs. Union of India & Others (copy taken on record), but it is clear from respondents' additional affidavit dated 7.9.2001 that the petitions in SWP No. 817/99

did not include Group 'D' employees, while the applicants in the present O.A. are Unions/Associations of Group 'D' employees.

3. Hence the J & K High Court decision dated 31.5.2001 (supra) does not cover the present applicants.

4. In so far as the alleged victimisation of the office bearers of applicant Association is concerned, it is open to applicants to take up the matter with the concerned authorities.

5. Subject to what has been stated above, the O.A. warrants no interference. It is dismissed. No costs.

A-Vedavalli

(Dr. A. Vedavalli)  
Member (J)

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(S.R. Adige)  
Vice Chairman (A)